



December 31, 2018

***Delivered electronically***

USDA Forest Service  
Regional Forester  
Alaska Regional Office  
709 W. 9th Street  
Juneau, AK 99802

[objections-alaska-regional-office@fs.fed.us](mailto:objections-alaska-regional-office@fs.fed.us)

**RE: Objections Regarding October 2018 Draft Record of Decision (“ROD”) and Final Environmental Impact Statement (“FEIS”) for the Prince of Wales Landscape Level Analysis Project (“POW LLA Project”)**

Dear Reviewing Officer:

This letter is in response to the November 16, 2018, Legal Notice of Objection Filing Period regarding the October 2018 Draft ROD and FEIS documents for the proposed POW LLA Project. The responsible official for these documents is Mr. Earl Stewart, Forest Supervisor, Tongass National Forest.

This letter sets out the objections of Sealaska Corporation (“Sealaska”) to various content and omissions in the Draft ROD and FEIS, in accordance with 36 C.F.R. Part 219, Subpart B. These objections are based upon and relate to Sealaska’s comments in its June 15, 2018 letter regarding the Draft EIS documents for the proposed POW LLA Project (“Comment Letter”).

**A. Background on Sealaska Corporation’s Interest in Tongass National Forest Management**

As indicated in the Comment Letter, Sealaska is the Alaska Native Regional Corporation for Southeast Alaska, representing more than 22,000 shareholders, predominantly of Tlingit, Haida and Tsimshian descent. The traditional homeland of the Tlingit, Haida and Tsimshian includes what is now the Tongass National Forest. Our people have been stewards of the lands and waters of Southeast Alaska for more than 10,000 years.

Sealaska is a leader in forest products and forest land management as a result of development that we have pursued on our own lands, including young-growth/second growth management and marketing. We have been engaged in scientific studies on our lands to determine the best practices for young-growth management, habitat restoration,

and healthy fish and wildlife populations. Sealaska is also a leader in development of biomass energy use. Together with the Sealaska Heritage Institute, we promote Alaska Native arts and ensure the protection of cultural and historical resources, including sacred sites. Sealaska has been an active participant in Tongass National Forest planning processes since the original Tongass Plan was issued in 1979, as well as additional consensus-based efforts to address multiple uses in the Tongass, such as the Tongass Futures Roundtable and the Tongass Advisory Committee. Sealaska submitted comments and actively participated in the process for revising Forest Service land and resource management planning regulations associated with publication of final revised regulations that took effect in May 2012, and in the process leading to the Tongass Plan Amendment finalized in December 2016 (“2016 Amendment”).

Sealaska, on behalf of its shareholders, has important interests and concerns regarding federal actions that can affect planning and management of the Tongass National Forest, Sealaska property, and other lands and waters in Southeast Alaska. Sealaska represents the unique and special relationship that the original human occupants and stewards of Southeast Alaska lands and waters have to these natural resources. We want to ensure that the Forest Service considers Sealaska’s unique perspective based on our cultural, social, environmental and economic experience in the region, and our desire to provide due consideration to the needs of future generations in accordance with our core cultural value of *Haa Shuka*.

Sealaska’s targeted objections and related concerns expressed in this letter are based on our review, to date, of the voluminous Draft ROD and Final EIS documents that have been made available for public review during this objection period, and reflect Sealaska’s participation with the Forest Service and other stakeholders in consultation, meetings, discussions and through other communications since the issuance of the Notice of Intent and Scoping Letter in late 2016. They also reflect our long-standing, broad participation and interest in Tongass National Forest management. The comments in this letter are by no means exhaustive, or in any particular order of priority.

Sealaska does not generally object to the Selected Alternative in the Draft ROD, except as specifically set forth in particular objections below. We appreciate that the Forest Service has responded positively to some of Sealaska’s Comment Letter concerns, and that the Forest Service is providing for continued consultation with Sealaska and other Alaska Native Corporations, as well as Tribal entities, as part of the Project implementation process described in the Implementation Plan that is Appendix 2 to the Draft ROD (“Implementation Plan”). *See, e.g.*, Implementation Plan at 2-5, 2-7, 2-8. We also are aligned with the Implementation Plan and process being adaptive over the 10- to 15-year implementation time span for Project activities, with the Implementation Plan meant to be a “living” document subject to adjustment. Implementation Plan at 2-1.

## **B. Objections**

### **1) Issue: Lack of flexibility in implementation in response to Roadless Rule and other changes.**

#### **Explanation of the Objection:**

In the Comment Letter, Sealaska expressed its concerns that the Draft EIS did not provide for further review and adjustment of timber sale offerings and other components of the Project in the event of changes to roadless area restrictions under the Alaska Roadless Rule rulemaking that the Forest Service has commenced in response to the State of Alaska Petition, updated forest inventory information, or other new information or circumstances arising during implementation that warrant further, more economically viable timber harvest and vegetation management activities that may require a Project specific Tongass Plan amendment and/or supplemental NEPA analysis. *See* Comment Letter, p. 4. The Draft ROD and its Appendices appear to be silent regarding such changes during the 10- to 15-year implementation period.

The FEIS and Draft ROD also do not appear to provide for flexibility regarding the allowed yearly harvest as Sealaska suggested in its Comment Letter. Comment Letter, p. 5; *see also* FEIS at 121-22; Draft ROD at 2; *see also* FEIS Appx. D at D-39-40 (discussing the amount of “falldown” between planning documents and implemented harvest acres). For example, as detailed in Sealaska’s Comment Letter, if the average of old-growth harvest is less than 25 MMBF for years 1-5, unused MMBF should be allowed to roll over to years 6-10 to the extent there is demand beyond the 15 MMBF allocation for years 6-10. The analysis of the Project’s effects assumes that the entire allotted average MMBF of old-growth harvest occurs for each year of the Project. *See* Draft ROD at 2. But reaching the full 25 MMBF allotment may not occur, especially in the first years of the Project, particularly given the track record of “falldown” or shortfall between planned and ultimately sold and harvested timber volume on the Tongass.

#### **Changes that would improve the proposed Project:**

The Final ROD and Implementation Plan should provide specific procedures for allowing further review and adjustment of timber sale offerings and other components of the Project in the event of changes to roadless area restrictions under the Alaska Roadless Rule rulemaking, updated forest inventory information, or other new information or circumstances arising during implementation that may require a Project specific Tongass Plan amendment and/or supplemental NEPA analysis.

The Final ROD and Implementation Plan should provide for flexibility regarding the allowed yearly old-growth as well as young-growth harvest, including allowing rollover of unused MMBF from years 1-5 to years 6-10 to the extent there is demand beyond the 15 MMBF old-growth allocation for years 6-10. Additionally, the Final ROD and Implementation Plan should include more discussion regarding the evaluation process that is prescribed for determining the old-growth harvest allowed in years 11-15. They should also specifically allow for consideration of the extent to which young-growth harvests have been profitable or unprofitable, current demand for timber products, and any expansion or other change in lands available for timber harvest.

**2) Issue: The Old Growth Small Sale Strategy uses arbitrary metrics that do not adequately take into account market demands.**

**Explanation of the Objection:**

The FEIS like the Draft EIS calls for a set-aside of 25 percent of planned old-growth harvest acreage for sales to small timber operators from sales that exceed 10 MMBF. FEIS at 104; Draft ROD at 2. The nexus between timber volume offered for sale and an associated acreage set aside is not obvious. Identifying an amount reserved for small sales based on market demand and suitable units for harvest by small operators would appear to make more sense. The Old Growth Small Sale Strategy could result in a significant excess of small/micro sales volume at a time when there is a severe shortage of timber for the few remaining larger mills.

**Changes that would improve the proposed Project:**

The Old Growth Small Sale Strategy in the Final ROD and Implementation Plan should identify a process with flexibility for determining an amount of old-growth reserved for small sales based on market demand and suitable units for harvest by small operators.

**4) Issue: Unplanned Old-Growth Salvage Should not be counted toward volume of planned old-growth sale offerings.**

**Explanation of the Objection:**

In the Comment Letter, Sealaska pointed out that while the Draft EIS stated that commercial salvage would be considered part of the old-growth volume for this Project, it was silent regarding whether commercial salvage of young-growth timber after a storm or other event would be considered part of the young-growth volume offered. Comment Letter, p. 6. Sealaska recommended that unplanned salvage of old-growth volume should not be counted or otherwise used to the detriment of an adequate volume of planned old-growth sale offerings in the FEIS.

The FEIS clarifies that commercial salvage will count toward the volume of both the young-growth volume offered and the old growth volume offered. *See* FEIS at 28, 107. However, unplanned salvage of old-growth volume should not be counted or otherwise used to the detriment of an adequate volume of planned old-growth sale offerings that purchasers can rely on for supply under this Project.

**Changes that would improve the proposed Project:**

The Final ROD and Implementation Plan should affirmatively preclude unplanned salvage of old-growth volume from being counted or used to the detriment of an adequate volume of planned old-growth sale offerings that purchasers can rely on for supply under this Project.

**5) Issue: Negative effects of limited timber harvest on deer populations are unsupported and exaggerated.**

**Explanation of the Objection:**

Sealaska's Comment Letter questioned the assumptions and adequacy of the analysis in the Draft EIS regarding the assumption that deep winter snows in harvested areas will limit deer winter survival. Comment Letter, p. 7. The FEIS contains largely the same analysis of the effects of timber harvests on deer populations and the criticisms of these effects noted in Sealaska's Comment Letter remain applicable. *See, e.g.*, FEIS at 95-100.

As indicated in Sealaska's Comment Letter, after 60 years of harvesting there has not been any disproportionate deer winter mortality in timber harvest areas. While there have been some declines in deer in some areas, the deer mortality in logged areas is generally less than that in undeveloped areas. This can be attributed at least in part to the edge-effect of increased browse along clear-cut boundaries where mature timber limits snow depth, while the clear-cut edge allows additional sunlight for the growth of browse.

As further indicated in Sealaska's Comment Letter, the conclusion that deer populations tend to decline in the long-term in timber harvest areas as the canopy closes does not appear to be supported by empirical evidence. *See* FEIS at 91. For instance, Tables 8 and 11 in the document indicate that the most heavily logged Wildlife Analysis Areas ("WAAs") (Polk, Thorne Bay, 12-mile, Klawock, North Thorne River, Rio Beaver and Rio Roberts, Coffman, Ratz Harbor and Staney Creek) have consistently sustained much larger deer harvests than other areas even though most of those areas were harvested 40 to 60 years ago. FEIS at 91, 98.

Finally, as indicated in Sealaska's Comment Letter, use of WAAs as the geographic scale or unit for measuring effects on deer and other wildlife viability and in reference to Tongass Plan standards, guidelines or objectives, rather than larger biogeographic provinces or Tongass-wide, indicates an overly conservative and exaggerated estimation of effects with respect to Tongass Plan provisions and otherwise. We did not identify significant differences in the FEIS compared to the DEIS on this point. *See* FEIS at 56.

**Changes that would improve the proposed Project:**

The overly conservative estimation of the effects of the Project's limited timber harvest on deer populations in the FEIS should be taken into account in evaluating effects of activities under the ROD Implementation Plan process. Consistency with Tongass Plan standards, guidelines, Desired Future Conditions, or other provisions under the Implementation Plan should be evaluated at the Tongass-wide or at least the biogeographic province scale.

**6) Issue: Insufficient analysis or discussion of the negative economic impacts continued timber harvest declines will have for local communities.**

**Explanation of the Objection:**

Sealaska's Comment Letter recommended that the FEIS include additional analysis or discussion of the negative economic impacts continued timber harvest declines will have for local communities. Comment Letter, p. 8. The FEIS generally discusses the importance of the remaining timber industry jobs to the rural community economies and household livelihoods, but does not go into further analysis or discussion of potential negative effects if timber harvests continue to decline. *See* FEIS at 6. As indicated in Sealaska's Comment Letter, the lack of a timber supply has already resulted in the loss of many mills and timber jobs. The impact to families and the local economy has been enormous.

**Changes that would improve the proposed Project:**

The Final ROD and Implementation Plan should provide for monitoring of the effects that declining timber harvests have on the local community and making adjustments as appropriate to avert or mitigate those impacts.

**C. Lead Contact and Request for Meeting**

In accordance with 36 C.F.R. § 219.54(c)(1), Sealaska's lead contact for communications regarding the objections and concerns set out in this letter is Jaeleen Kookesh, 907-586-1512, Jaeleen.Kookesh@sealaska.com. In accordance with 36 C.F.R. § 219.57(a), we request a meeting with you at Sealaska offices in Juneau, Alaska to address our objections and concerns at a mutually convenient time prior to the Forest Service finalizing the POW LLA Project ROD.

**D. Closing Comments**

On behalf of our 22,000 shareholders and our impacted Southeast Alaska communities that are home to our shareholder base, thank you for the opportunity to further participate in the process for completing a decision regarding the POW LLA Project. We hope that you will consider and be responsive to the objections and concerns described in this letter, and we look forward to continued dialogue and collaboration as the Forest Service continues the Project process and beyond, through implementation.

Sincerely,  
SEALASKA CORPORATION



Anthony Mallott  
President & Chief Executive Officer

cc: Dave Schmid, Acting Regional Forester, Alaska, USDA Forest Service